

Milton Planning & Zoning Commission Meeting
Milton Library
Tuesday, April 21, 2009
7:00 p.m.

1. Virginia Weeks called the meeting called to order at 7:00 p.m.

Roll call of Members:

Ted Kanakos	Richard Greig
Al Perkins	Louise Frey
Ed Kost	Gene Steele
Virginia Weeks	

2. Swearing In of New Member

V. Weeks – First order of business would be the swearing in of our new member;
Richard Greig; if the town attorney would be good enough to do the Alter Boy.
R. Greig – Do I have to stand up?
Mary Shrider-Fox – I have the by laws in my hand. I'll pass it down. That can work.
Such close quarters. King James version. For the record, this is Mary Shrider-Fox.
Ok; if you would repeat after me; sir. I, and state your name;
R. Greig – I, Dick Greig;
Mary Shrider-Fox – Do solemnly swear;
R. Greig – Do solemnly swear;
Mary Shrider-Fox – To uphold the ordinances and codes of the Town of Milton;
R. Greig – To uphold the ordinances and codes of the Town of Milton;
Mary Shrider-Fox – As I execute my duties as a member of the Planning & Zoning
Commission.
R. Greig - As I execute my duties as a member of the Planning & Zoning
Commission.
Mary Shrider-Fox – I further acknowledge the public trust;
R. Greig - I further acknowledge the public trust;
Mary Shrider-Fox – I have accepted;
R. Greig – I have accepted;
Mary Shrider-fox – And will seek to work in the public interest;
R. Greig - And will seek to work in the public interest;
Mary Shrider-Fox – Without the consideration of any personal gain;
R. Greig – Without the consideration of any personal gain;
Mary Shrider-Fox – So help me God.
R. Greig – So help me God.
Mary Shrider-Fox – Thank you.
V. Weeks – Welcome aboard.
V. Weeks – The next order of business is the;

3. Nominations/Elections of Chairperson/Secretary

V. Weeks – As chairperson; I have been chairperson for a year; I do not believe that offices should be held by the same person for a long amount of time. I would by no means be upset if somebody else would like to step forward; that having been said; are there any nominations?

L. Frey – Ginny you have done such a great job over the past year; I would like to nominate you again for chairman.

V. Weeks – Thank you my friend.

A. Perkins – I would like to second that. I would like to second the nomination of Virginia Weeks as chair.

V. Weeks – Thank you; Mr. Perkins. There being a nomination and a second; is there any discussion? There being no discussion; I can take a voice vote. All in favor; say I. (Response – I) Those oppose; say nay. (Silence) The motion having carried; I am chairperson for another year. Thanks guys. The secretary; do I have a nomination for secretary; please?

A. Perkins – Yes. With his permission; if he agrees to do it; I would like to nominate; Ed. Kost as secretary of the Planning & Zoning Committee for next year.

T Kanakos – I second that.

V. Weeks – Mr. Kost; do you accept?

E. Kost – Yes.

V. Weeks – Thank you. Is there any discussion on the motion that has been second? (Silence) There being no discussion; I will take a voice vote; all in favor say; I. (Response – I) those opposed? (Silence) Thank you; the motion carries. Mr. Kost, thank you very much for volunteering. I have before me now:

4. Additions/Corrections to the Agenda

V. Weeks – I understand that some members have not had the opportunity to review the Historic Preservation Ordinance. That being said; I would to have this tabled until next month; in May; and I would ask everybody to please make sure they get a copy of it; if they haven't retained one. Read it and make their comments on it and be ready to do that as the first piece of business in May. May I have a motion to table the, discussion?

T. Kanakos – I make a motion to table the discussion of the Historic Preservation documents.

V. Weeks – May I have a second?

L. Frey – I will second.

V. Weeks – May I have a voice vote? Is there any discussion? (Silence) No discussion? May I have a voice vote? All those in favor; say I; (Response – I) those opposed? (Silence) They motion having carried; the discussion of the proposed changes to the Historic Preservation ordinances is tabled until the May meeting. Approval of the agenda as it now stands;

5. Approval of the agenda

V. Weeks – May I have a motion to approve the agenda?

A. Perkins – I would like to make a motion that we approve the agenda as currently written.

V. Weeks – Thank you Mr. Perkins. May I have a second?

T. Kanakos – I second it.

V. Weeks – Thank you Mr. Kanakos. There being a motion and a second; is there any discussion? (Silence) There being no discussion; may I have a voice vote for the approval of the agenda? All those in favor; say I. (Response – I) It being carried; the agenda is approved. The approval of the minutes for the April 1, 2009;

6. Approval of minutes – April 1, 2009

V. Weeks – Does anybody have any changes or corrections? There being no changes or corrections; would somebody please make a motion to approve the minutes of April 1, 2009.

T. Kanakos – I make a motion to approve the minutes of April 1, 2009.

V. Weeks – May I have a second; please?

L. Frey – I will second.

V. Weeks – All those in favor; say I. (Response – I) Alright we will begin with the Public Hearing.

7. Public Hearing

The applicants, Jim and Lisa Sumstine, are requesting approval for a Special Permitted Use of a home occupation (quick print outsourcing shop) located at 509 Union Street. The property is currently zoned R1 (Residential) and is further identified by Sussex County Tax Map and Parcel #2-35-14.15-135.00.

V. Weeks – Is there anybody here to speak in favor of this application? Would the applicants like to address this application?

J. Sumstine – If you would like.

V. Weeks – It is custom nary.

J. Sumstine – In that case; certainly.

V. Weeks – Thank you.

J. Sumstine – We have been operating; I have been owner and operating Copy Right for ten years; and I have been doing this business for 20 years. The industry has drastically changed with technology over the past 10 years. We are finding that now customers don't need me to maintain a physical operation. We moved in May of 2007 from Rehoboth to Lewes in an effort to cut expenses. But now with the economy in a downward spiral; we are just going to hope change into our home and operate Copy Rite out of our home. We don't need a physical location; we have been operating a pick and delivery for 10 years now. With the advancement of technology; people e-mail us files; we output them; deliver it right to their door. We can do it all right from our home. We have no plans to have a sign; we don't want complete strangers

knocking on our door. No one needs to know where we are at. We pick and deliver. Any advertising would just be web site and phone number. There will be no physical location on any advertising we do either.

A. Perkins – Question.

J. Sumstine – Sir?

A. Perkins – What is the traffic like on an average day for you?

J. Sumstine – On an average day; we would see maybe 15 customers. Of those; we would loose many of them because we wouldn't be going for your five copies of this page; five copies of this page; we wouldn't be going for the small end customer. We would be going for large scale jobs which we would probably do over night. I do much work over night now. We might be only getting six or seven customers a day. Traffic at our home; would be zero. I have many customers that have been using us for five years; that still did not know that two years ago we moved from Rehoboth to Lewes. They have no idea where we are at.

V. Weeks – I have a question. How often do you get deliveries of supplies?

J. Sumstine – Not very often; because we actually pick things ourselves. We drive to Wilmington every now and then for paper because they charge a delivery fee and we're up there delivering jobs there anyway. We pick up a lot of our stuff because I don't stockpile a lot of supplies. We pick a lot of our stuff up on an; as need; basis from staples.

V. Weeks – And there will be no outside storage?

J. Sumstine – No; absolutely not. We don't have the capital to maintain a large inventory of supplies. Machines now; aren't like the machines 20 years ago. You don't need eighty boxes of developer and toner; they don't use that now.

V. Weeks – Fine; and this is going to be in a room on the first floor of your home?

J. Sumstine – Yes. My wife has lived there all her life and she has maintained a home office for just computer work and church work. We have done all the measurements; done all the electrical layouts; everything will fit fine.

V. Weeks – Ok.

A. Perkins – A follow up question. The equipment that you will be bringing into your home; what is size and structure of the equipment?

J. Sumstine – Hum; let's see I going to have; your standard computer and computer printer; both color and black and white. I am going to have a regular black and white copier; but their not as big and clunky as they used to be; even a production copier; their now digital; so they don't take a lot of space. I have a digital color copier; which also doesn't take a lot of space. It's about the size of a stove. I'll have a blue print copier; which once again give or take the size of the stove. I have my cheering section here. Aforementioned un-agreeable four years old. I also have an oversized color printer; which is once again to compare it to a stove. And that's about it.

A. Perkins - Just a related question; what about the noise factor or energy use; that kind of things.

J. Sumstine – The energy used; machines have come a long way; when their not running; their not drawing electricity. Even when they are running; they don't use that much electricity at all. As far as noise; they're quiet. They are digital now; so there's not a lot of moving parts. They are basically oversized printers. They're not your standard copiers like you are used to seeing.

A. Perkins – Ok; then essentially; they are range or stove size copiers.

J. Sumstine – Yeah. If I were running it in one room; you probably wouldn't hear it in they next room; much less the neighbors outside won't even hear it.

A. Perkins – Ok, thank you.

T. Kanakos – Excuse me; I have a question for Robin. Did this application require sending out letters to the surrounding neighbors?

R. Davis – Yes; it did. The letters were sent out. We did receive all the notices back.

T. Kanakos – So; that's all done; great.

R. Greig – How far did you go?

R. Davis – As far as I could; 200 feet.

J. Sumstine – I think there were fifteen or sixteen letters.

V. Weeks – In your presentation; there is a list. By the way, thank you very much; a wonderful presentation.

L. Frey – Yes; it was very good.

T. Kanakos – I don't care what you hear; you did good work. The work you do; is it indicative of what you prepared? Did you prepare this?

J. Sumstine – Yes; we do things like this all over the nation. One of my most frequent customers; actually resides in Florida; and I have a letter from her in the back of that application. She sends us e-mails with all her files. We output them; bind them with tabs; whatever; and we actually ship them to the Federal Offices that she holds seminars at in D.C.

V. Weeks – Ok; any other questions?

J. Sumstine – I also want to address; trash pickup. Someone had brought to us that there might be an increase in waste. I can tell you first off; I don't have much waste; because being a small businessman; any waste that's generated; I have to pay for; it is extra paper; extra ink; extra clicks on the machine; so I don't generate a lot of waste. We have maintained the curbside recycling for about three years now. Whenever I have a lot of waste; I usually bring it home and put it in our curbside recycling anyway. There won't be any additional waste. We don't need any special dumpsters; because I don't like to generate a lot of trash.

V. Weeks – Thank you; any other questions?

R. Greig – I have an observation to make. I live on Union Street. When we first moved here; about seven years ago; there was only one business on that street. Now it's growing to; three; four; five; I guess about five. I realize you meet all the standards of the code for the town. I'm sure you're going to run a quiet business; but I think we need to step back and look at that issue at some point. Union Street is going to be accountable to be use as local; relationships are going to become like Lewes.

V. Weeks – Well noted. Thank you; any other observations or comments? Are you going to speak in favor of; or against?

K. Schneker – I just have some general questions.

V. Weeks – Ok; just a moment then; please. Thank you very much. I would like to note that I have two letters. I will avoid reading them; but they will be part of the record. One is from Mr. Bill Spencer; at 520 Union Street; saying that they are in total; the last paragraph says; we agree with the business proposal. We feel that it will have absolutely zero impact on our community. We wish them success and feel the town of Milton will notice no signs that a business is even in operation. The second

letter is from; Grace Church of Milton. This is from the pastor and he is also writing; expressing support for the approval of special permitted use of a home occupation at; 509 Union Street. Those being noted in the record; does anybody else have anything in favor? Is there anybody here to speak against? Is there anybody wishing to address the request? Thank you.

K. Schneker – I know Jim and Lisa; I know a little about their business.

T. Kanakos – Your name?

K. Schenker – My name is; Kathy Schenker.

V. Weeks – Your address Please?

K. Schenker – 511 Plum Street; which is about 100 yards behind their house.

V. Weeks – Ok.

K. Schenker – My greatest concern; is that I own that house. My daughter and my nineteen month old granddaughter live there. My concern of course is for safety. I would like to know will the address of the business; you said it won't be on the stationary? Ok. If the business is at 509 Union Street; I'm hoping that traffic on Plum St. will not change. Currently; they and I and my daughter; are about the only people that use that street. It literally runs right between the two properties. That is one concern that I have. My other would be for the chemicals that are used; the disposal of those chemicals. I hear Jim saying; and one of my questions was about the noise. I hear him saying that; shouldn't even hear that. That's fine. All those things given; I don't have a problem with them having their business in their home. I just need to know some of those; or bring up some of those issues.

T. Kanakos – I have a question. Have you noticed any change in traffic in the last year or two?

K. Schenker – On my road; No. Plum Avenue; there's only one house on Plum Avenue; or Plum Street.

T. Kanakos – So they've already been doing this type of work for a while and basically there's been no impact.

K. Schenker – I don't know if he's been doing it at his house or not.

J. Sumstine – No.

T. Kanakos – No; not yet; ok.

V. Weeks – From what the applicant has said; none of your concerns seem to be something that should concern you. However; in a special use application; if you read; I believe that you can always ask for a reconsideration of the permit. You can request of the town council at some point. Under special use; isn't that available?

R. Davis – It is possible to put conditions on the approval. In the past; things like this have come back within a year. To get reviewed; just to make sure there's no complaints; no concerns. The last one was the Iguana Grill. The Planning and Zoning Commission put a stipulation that; within one year after approval; they would have to come back and the public would get a chance to address it again. Would that make you feel;

K. Schenker – Yes; it would; but I would like to know as far as; if he does have customers come to the house; what's the parking going to be like? Will they be using Plum Street or would they be using their own driveway? I would like to know about the chemicals that are being used. That will have to be disposed of.

V. Weeks – Is there an entrance to his property off of Plum Street?

K. Schenker – Yes.

V. Weeks – You will agree not to use Plum Street?

J. Sumstine – I can address both of them right now. We do use Plum Street for ourselves; both to come and go. As I stated; I expect zero customers to come to our door. There will be no advertising of a physical address. We really don't want complete strangers knocking on our door either; for also the purpose of security; as we have a four year old daughter. As far as chemicals go; each machine does generate a waste that goes into a bottle. That bottle is dumped into a plastic bag which is tied and just disposed of. It doesn't require any special disposal because there is; no actual chemicals; it's just a powdery ink that goes into a tight fit bag. I don't want to get all over my stuff; so it's just going to be disposed of in regular garbage. It might generate a small Walmart type bag; maybe once every two or three months.

V. Weeks – Thank you very much. Are there any other questions; anybody else in the audience wish to address this? (Silence) There being none; I close the public hearing. Now; new business:

8. New Business

a. The applicants, Jim and Lisa Sumstine, are requesting approval for a Special Permitted Use of a home occupation (quick print outsourcing shop) located at 509 Union Street. The property is currently zoned R1 (Residential) and is further identified by Sussex County Tax Map and Parcel #2-35-14.15-135.00.

V. Weeks - Does the commission have any questions? (Response - no) Is there any observations; any discussions? There being none; I would ask for a motion; please?

L. Frey - I would like to make a motion to have Robin do a resolution; noting on the resolution that; this has to be addressed again in one year.

V. Weeks - This is also a motion to approve?

L. Frey - To approve; yes. To approve the application; that no customers will be coming to the house; and there will be no signage. That was all that was covered.

V. Weeks - And no physical location on any ad's.

L. Frey – Thank you.

T. Kanakos - Excuse me; I would like to interject something. I think it's a bit...

V. Weeks - He may have something that he's asking her to add.

V. Weeks - Can I have a second for that motion; please?

A. Perkins - I would like to second the motion that was just made.

V. Weeks - Any discussion on that motion?

T. Kanakos - Yes. I think it's a bit severe to put in the wording that he will have no customers come to his house. I don't think that's reasonable. I don't think it's a reason to have to have him sneak them in or somebody to complain that they saw three people there one day. I think that the nature of his business; he will have some people every so often. But it's still a very quiet home business. To say he could have no customers; I think would be unreasonable; to come to his home.

V. Weeks - I believe the definition of a home occupation; on page 11.

T. Kanakos - Or he would have to meet them somewhere; like at a coffee bar.

L. Frey - But he testified that he wasn't going to have anybody there.

T. Kanakos - Oh.

V. Weeks - He's allowed to have customers under the definition of a home occupation. However; the gentlemen testified that he would have no customers; if he has an occasional visitor; that is something else.

T. Kanakos - So his customers could be visitors at times? I mean it seems a little petty; to be honest.

V. Weeks - I just don't want to leave it open where all of a sudden it becomes a quick print shop; and you have people coming in all day.

T. Kanakos - Well; we might add that if that nature of the business changes; then he has to come back for review the end of each year.

V. Weeks - Absolutely.

T. Kanakos - That; I agree with; But not that he can't have anybody walking in his door.

V. Weeks - He can always come back for a review and change.

T. Kanakos - Right.

V. Weeks - Alright?

L. Sumstine - We may have information that says we are located in Milton. At no time would we say that we were at; 509 Union Street. But it concerns me that you say that we can't say the address. We would say that we were in Milton.

L. Frey - Nobody said you couldn't say the address.

V. Weeks - We are only repeating what you husband gave testimony to.

L. Sumstine - Ok; I'm sorry. I just wanted to clear that up. As Jim said; I'm sure; we're not interested in having people know where we live.

V. Weeks - That's what he said. We're saying that the address will not appear on any...

L. Sumstine - Right; the 509 Union Street part.

V. Weeks - Is there anything else?

T. Kanakos - No.

V. Weeks - Yes; Mr. Kost?

E. Kost - I'm not quite sure what the resolution; what we're approving. I can't tell from the discussion what we're agreeing to or not agreeing to.

V. Weeks - Mrs. Frey; would repeat your motion; please?

L. Frey - We're approving that there will be a retail business at 509; a home occupation at 509 Union Street; that customers will not be; I don't know if that was changed. Customers will not be coming to the site; there will be no delivery with big trucks at the site. There will be no advertising with a sign on the building.

T. Kanakos - And they will be reviewed in a year?

L. Frey - And they will be reviewed in a year; by this board.

V. Weeks - Did you also have the physical location on; ad's in your motion?

L. Frey - No I didn't; but that's good.

E. Kost - Should we add anything about no parking on Plum Street?

V. Frey - No. It's a public street; people can park there. At least that's how I feel. Yes?

E. Kost - May I read back what I think we are going to approve? At the end of one year; we will review the conditional use.

V. Weeks – It's a home occupation use.
 E. Kost – Home occupation. That there will be no business sign; and no customers will visit the home. That's the three things.
 V. Weeks – And no deliveries; I believe she said.
 E. Kost – And no deliveries.
 V. Weeks – Does anybody else have anything else? That motion has been second; does anybody have any requests of Mrs. Frey for her motion?
 A. Perkins – I did the second. Since we re-read it and clarified it; I would like to second the motion that was clarified and read.
 V. Weeks – Ok. I would like to ask the maker of the motion if she would agree that no physical location should be on any ad's or so on; as stated by; since that was testimony given by...
 L. Frey – That's fine; Ginny.
 V. Weeks – Will the second motion accept that?
 A. Perkins – Yes I would like to second the motion that was amended by our chair; Ms. Weeks; as stated. That was amended and submitted by; Commissioner Frey.
 V. Weeks – Are we all set to vote? This will be a roll call vote. All those;
 Ted Kanakos – Yes.
 A. Perkins – Yes.
 E. Kost – Yes.
 R. Greig – No.
 L. Frey – Yes.
 V. Weeks – Yes.
 V. Weeks – You have your permission; thank you.
 V. Weeks – The next order of business is:

9. Old Business

a. The applicant, Dogfish Properties, LLC, is requesting approval for the following items:

- 1. Final site plan for proposed office expansion.**
 - 2. Final site plan for the installation of a fermentation tank farm.**
- The property is located at 6 The Center further identified by Sussex County Tax Map and Parcel # 2-35-20.11-52.01 & 52.06.**

V. Weeks – At this point Mr. Perkins and Mr. Kost.
 A. Perkins – I want to recuse myself.
 E. Kost – I want to recuse myself.
 V. Weeks – See you in May; gentlemen. Thank you.
 V. Weeks – We're going to take a moment to spread out.
 T. Kanakos – What is the first one we're working on here; Ginny?

1. Final site plan for proposed office expansion.

V. Weeks – According to the agenda; the first thing we're working on; is the proposed office expansion. I would like to state at this time; Mr. Greig has just been

sworn in this evening; but he was present at the public hearing and also at the last meeting at my request. I take it you reviewed the minutes; correct?

R. Greig – Yeah, I do have one question. The engineering firm had presented questions?

V. Weeks – Yes.

R. Greig - A lot of questions.

V. Weeks – Yes; for the preliminary; they did.

R. Greig – Have they been resolved?

V. Weeks – According to the engineers remarks; they have been resolved; Mr. Kerr; would you like to address that for Mr. Greig?

B. Kerr - Cabe Associates and Town Engineer. As most of you know I was unable to attend your last meeting; so I was not here when you had the discussion. Based on comments from Robin; we have proceeded with the review of the drawings. It is my understanding that you were satisfied with most of the responses of the applicant; and gave preliminary approval. As in the past there have been times when you've made a motion that didn't specify the exact conditions to be met; so we kind of had to guess a little bit on which of the items you wanted in my memo to be addressed. Through discussions with Robin and with the engineer for Dogfish; I believe all your concerns have been addressed.

V. Weeks – I believe our motion referenced your memo and asked that all those conditions be met.

B. Kerr – Yes; the problem is that some of the items that I had on my memo; were questions for you to have a discussion on; such as; should additional landscaping be provided. In the motion it says; in accordance with the memo that Debbie and I prepared; it's difficult not knowing what your desire was to do the review. Based on discussions with Robin and the developers and the Dogfish engineer; Becker Morgan Group; we believe we've addressed everything that was discussed at the meeting that evening.

V. Weeks – You are right. Thank you. The thing is that they presented plans that showed landscaping for this particular phase. We were satisfied with the plans they showed. I assume that Robin has copies of those plans; because I presume anything they show as an exhibit becomes part of the record. Right?

B. Kerr – We had landscaping plans with the preliminary submission that were reviewed; I don't mean to pick on just the landscaping; but whether it was what you desired; was the question. There were other items such as that; without reading through the memo again. Whether it be a question of door location; or sidewalk location; or anything like that; when you make a motion that simply says; and address the items in correspondence by either Debbie or myself. It makes it very difficult for us to do a review; especially in this case where we tried to turn it around so fast.

V. Weeks – We appreciate those efforts; thank you. Is there any discussion on the maps and so on that you given at final? Does anybody have anything they wish to say? Do any of the commissioners have any response? Mrs. Frey do you have comments?

L. Frey – No.

V. Weeks – Mr. Greig?

R. Greig – No.

V. Weeks – I have one. Mr. Benz; substantial landscaping is shown on the office plan at the back that wasn't part of the original plan. It's actually on the north side of the building. I'm not sure that at this point; if everybody would look at page L101. Dog fish Phase 1; proposed office expansion. I don't remember this being part of your presentation for phase 1; this landscaping at the back. Am I Mistaken? I applaud you for what you have done here; in trying to establish the buffers with the neighbors; and so on. I'm just wondering since this really; the County attorney was there; as you were; Robin. Since this really wasn't part of the preliminary plan; is it appropriate to do this now or do this during the master plan?

B. Kerr – As the one who wasn't there; if I may respond to that and try to wrap it up quickly; one of my comments was; they had shown a row of trees on top of the existing water main. My comment was that the town would prefer not to have to dig up trees in order to repair. I believe that there was testimony that evening from some of the neighbors that they wanted as much buffer and screen as possible. The applicant or developer; Dogfish is to be commended for having discussions with the sub-division and they have gone above and beyond what they needed to do to meet the conditions that you placed on them.

V. Weeks – I agree.

B. Kerr – There are many changes to the drawings from what you saw; that's part of what happens between preliminary and final. The drawings are revised.

V. Weeks – I'm just saying that the only landscaping we discussed; was the one in front of the building. This was part of the public comment. When we discussed the office building; and the tanks; which was the only two things we did preliminary on. This was not part of our discussion; this was part of the public hearing. It was back and forth; but it wasn't part of the preliminary. So; I'm just asking if they put it in here now; is that acceptable?

B. Kerr – If it's acceptable to you to have the landscaping in this fashion; then yes; you move forward this evening.

V. Weeks – Ok. That's all I wanted to know.

T. Kanakos – If it's acceptable in this fashion; but the people of Chestnut Crossing have to be..

B. Kerr – It's my understanding that the landscaping that is shown is on lots that are still owned by the developer of Chestnut Crossing. They have met with him; and he is in agreement to do.

V. Weeks – Mr. Benz do you have something to say about this?

Mr. Benz – All the trees that are on the Chestnut Crossing side of the property are on parcels still owned by Atlantic; not by individual home owners. There are only two properties that are on our fence line. None of which are owned by the people here complaining or raising concerns during the preliminary hearing. They are all people who live deeper into the development. The two people who own those properties were not in attendance to speak for; or against. They have their own landscaping in those yards. We provided landscaping in all of the other adjacent properties that are on that property line. We are in conjunction with Atlantic Properties. They have already been staked out and agreed to; and they are going to be going in; in a very short period of time; as soon as the weather starts cooperation for our trees to be harvested. They are within the planting zone of those parcels of where trees are

suppose to be put; it does not hinder the ability to build a house there. The developer was happy to oblige; because we are providing him with free landscaping; helping him sell his properties. In order to satisfy the existing two properties; which have a substantial amount of vegetation already in place in front of the residence and camouflage trees already. We are planting additional trees outside of the easement zone. In and around about propane tanks; between our building and their properties; since we couldn't put it on theirs; because one is being rented and one is owned. Neither of which are anywhere near; I think one is in Russia actually. Finding those homeowners was proving difficult. On those two particular properties we took matters on to our properties and put the trees there as the buffer.

T. Kanakos – I have walked behind there twice. One of the houses is so close to the property line I don't think you could put trees behind the house.

Mr. Benz – That's right.

T. Kanakos – They wouldn't be able to walk behind their house.

Mr. Benz – On those two properties; as you see on the drawing; there are four Leland Cypress on one side of the propane tank; and probably three on the other; which would provide an adequate buffer. In addition to the mature trees that already behind; and on; the Atlantic Properties side of the fence for those two property owners.

V. Weeks – This area here; Mr. Benz; is this your proposed parking area on top of the easement?

Mr. Benz; - That parking area already exists. That has been there from the moment we bought that building and moved in.

V. Weeks – So there's no way to get more trees around that? Alright; is the commission satisfied with that explanation? Have you not approached either Mr. Miller; Mr. Dean; or this fellow at the end; Mr. Hake.

Mr. Benz – There are only two that are on the property line that aren't owned by Atlantic Properties. Mr. Dean and Mr. Miller; or Ms. Miller; one of which is in Russia and unreachable; that is actually a rented property. There are renters in that property at the moment. We have extended in our letter with Atlantic Crossings an offer; within the next calendar year; if either of those two property owners choose to take up our offer for additional trees; as we have done with all the other properties; we will be happy to do so at the same expense that we paid for all the other plots.

V. Weeks – Will a copy of that letter please become on record for the; town. Would you please submit a copy of that to Robin?

Mr. Benz – Yes; I will.

T. Kanakos – Excuse me; on here is has James Hake? That little piece of land; way at the end; on the right; actually behind the retention pond; or very near the retention pond; across the pond.

Mr. Benz – That's not part of Chestnut Crossing.

T. Kanakos – That's what I was asking; I don't see any access to it from Chestnut Crossing.

Mr. Benz – That's also where the vegetation gets very thick.

T. Kanakos – This is the fellow that's not even part of this. Ok; good.

V. Weeks – As long as that letter gets into the town records. I commend you on what you have done. Thank you very much.

Mr. Benz – As a further effort I wanted to introduce for sound purposes; really trees are a visual barrier. While many people in Chestnut Crossing think that's going to do a lot for sound; the reality is that it probably won't. We placed on order; I have a copy of a purchase order; to GF Moore and Company four pieces of equipment to go on our cooling towers; it's a discharge de-fuser and low noise fan blades. It will cost us \$13,571 in parts alone; plus the labor and crane to install. This is guaranteed to give us another; somewhere between 12 and 13 decimal; reduction at the cooling tower fans; which is the true way to solve the problem. The trees are just a band aid. But together; they're comprehensive.

V. Weeks – And that's going on the existing cooling things.

Mr. Benz – That is going on the existing cooling tower equipment; which was the subject of their complaint.

T. Kanakos – I was over there twice; at 3:30 in the morning and once at 4:30 in the morning. I get up early. I walked over there and walked around; walked into Chestnut Crossing; walked down; you can either go left or right; if you go right; you go towards your property. When I reached the cul-de-sac; where those two houses are basically against the property; the loudest noise I could hear was the hvac from the houses on the other side. It's not the loudest thing I ever heard; but there was one thing that was really annoying; you have four little red pumps out on the back. It seems to be very close to the building; their very close to the building; four red pumps going; outside your building; along the building.

Mr. Benz – Next to the property line or next to..

T. Kanakos – No; right next to your building; they're almost attached to your building.

Mr. Benz – Near the cooling tower; the tall structure?

T. Kanakos – Yes. They made a ton of noise; it never stopped. When you get closer; it was loud. Is there anyway of just shielding that? They're little pumps and they're right near the ground.

Mr. Benz – The sound that is coming from them; I believe; is from the variable frequency drive and we had them re-tuned just recently which does not change the decimal level; but it does change the pitch; the pitch being the annoying factor.

T. Kanakos – Yes; it was annoying; but it seemed to be an easy fix.

Mr. Benz – Was it on our side of the fence; or on their side of the fence?

T. Kanakos – No; it's a fenced in area; right on the side of your building. I guess that is the pump or the tower?

Mr. Benz – We are also exploring; sound abatement mats.

T. Kanakos – A small wall around there; probably would help immensely; or something dense; three feet high. It's not a very big deal. That was the noise that I heard.

V. Weeks – Any other comments? (No response) No other comments? (No response) May I have a motion; please? To either approve or deny?

T. Kanakos – Which phase? What do I read?

V. Weeks – The office; phase one. We were concerned about the sidewalk.

T. Kanakos – So; we want to approve; phase one?

V. Weeks – Right; this is the office building.

T. Kanakos – Ok; I make a motion to approve Phase one; which is the final site for proposed office expansion; with the one following item; to have available; the trees for those two properties if they decide to...

Mr. Benz – Within the twelve calendar months is how I have it written.

T. Kanakos – And a letter will be given to Robin stating that.

Mr. Benz – Yes.

V. Weeks – Do I have a second to that motion; Please?

L. Frey – I will second it.

V. Weeks – Is there any discussion? (Silence) No Discussion? (No response) I would like a voice vote.

T. Kanakos – Yes.

R. Greig – Yes.

L. Frey – Yes.

V. Weeks – Yes.

Mr. Benz – Thank you.

V. Weeks – Next are the fermentation tanks:

2. Final site plan for the installation of a fermentation tank farm.

The property is located at 6 The Center further identified by Sussex County Tax Map and Parcel # 2-35-20.11-52.01 & 52.06.

V. Weeks – Did you all look at this? I believe that one that you were asked for; that I don't see here; we asked for printed matter on the tanks; advertisement of the tanks showing the material etc. and so on. I don't think that has been provided.

G. Moore – Becker Morgan Group. We actually have the specifications on the tanks; size of the tanks; all that information on the drawings themselves.

V. Weeks – We really wanted to know what they were going to look like; just to make sure. You gave testimony that the building was going to reflect the composition of the covering of the tanks. At that point we requested that you provide us with a picture of an actual tank.

G. Moore – Actually; that's what's on the drawings. The actual elevations of the tanks are there; along with the skin; which is a tan skin; as I said last time; which will be back by the building.

V. Weeks – We just wanted a picture of it. You don't have a picture?

G. Moore – It's in the set that you are looking at.

V. Weeks – I understand that specifications..

G. Moore – I don't have a separate photograph other than the one I showed at the last meeting; there was a tank set there that were green. They did have the similar skin and in that hearing I did indicate that those were the tanks that we would be installing; and our color would just be the tan; not the green.

V. Weeks – Great; and I asked for that to become part of the record.

G. Moore – It's actually part of the presentation material; I can show you a picture of it; if you want.

T. Kanakos – Robin; do we have to have them translate all the German on these things; in three languages?

G. Moore – What it means is lots of money.

T. Kanakos – Thaz iz nize.

G. Moore – I'll pass this up; but what I'm showing you is this part of our power point presentation; which shows the tanks and size; these are painted green.

V. Weeks – Are those the same exact tanks?

G. Moore – They are the tanks. Our color will be tan.

V. Weeks – Ok; I believe those are already in the record; then.

G. Moore – Yes.

V. Weeks – Thank you. Do you plan to put six in immediately?

G. Moore – Six; Yes.

V. Weeks – And what is your time frame; more or less on the remaining twelve do you think?

G. Moore – The remaining; well that depends on how fast we keep growing. Each set of three tanks represents 25,000 barrels growth; roughly. That is how much we plan on growing each year for the next five years. So; three tanks a year for the next four years.

V. Weeks – When you start to put in the additional tanks; is that going to disturb the landscaping that you are doing now?

G. Moore – No.

V. Weeks – Ok.

G. Moore – Tanks are brought in by crane; overhead.

V. Weeks – Alright; good. So the landscaping; the complete landscaping will go in now at the front of the building.

G. Moore – There's an elevation difference; on the first twelve tanks verses the next six tanks. The first twelve tanks are going to sit about four or five feet above the other six. Our plan is to put in the curbing and fence required on the top twelve; where the other six will go will remain as the natural landscaping as it is right now; which is grass. When the time comes for the bottom six to be put in; that's the time we will adjust the curbing and additional fencing at that time. Right now there's no point in putting in a concrete pad; curbing; and fence it there's not going to be anything there for quite some time.

V. Weeks – Well; that's why I'm asking; when the landscaping that you showed us; the additional trees; and so on; those will be going in now?

G. Moore – On the Chestnut Crossing property?

V. Weeks – No; in front of the tanks.

G. Moore – Yes.

V. Weeks – Those will be going in with the first six?

G. Moore – Correct.

V. Weeks – Ok.

T. Kanakos – I have a question. When we discussed these tanks the last time; we explained that they were going to go in different phases; the first six; we asked about containment. You said that there would be a little wall build around them.

G. Moore – A one foot curb. Correct.

T. Kanakos – A one foot wall. Then we said; if there was still was spillage; that would have to be pumped out.

G. Moore – Correct.

T. Kanakos – There is no drain. What happens when it rains; these are outside; do you have to pump the rain out as well?

G. Moore – When we put the curbing in; we'll put a weep valve in the curbing. If we need to drain; we can drain water out of it.

T. Kanakos – I was just wondering how you are going to get rid of the water; and the pool if it rains.

G. Moore – Actually that's something Mr. Kerr and myself; Becker Morgan actually; addressed. There is drains; there is a valve on it; so it can be closed; so that if there is water it can actually be drained out by the valve; manual operation. If it happens that anything from the tanks was to leak; that valve would be closed and it could be taken out by pump; so that there would be no matter from those tanks getting in the system.

T. Kanakos – Where would the water drain; if it was rain water and had to open the leak valve; or whatever it is; where would that drain into?

G. Moore – It drains in the storm drain.

T. Kanakos – Into the storm drain?

G. Moore – And it will have to be operated manually so that it can be checked and verified that there is nothing but storm drain water in it; then it can be drained and that would Dogfish would do as part of its maintenance.

Mr. Benz – Furthermore; the tanks have a fail safe mechanism built into them to prevent overfilling; like a bath tub; or sink. It has that little hole in the top so that if it fills up and starts flowing over; the top of these tanks have a fail safe or if it comes out the top of the tank; there's built in curbing which automatically drains to a pipe; within the space of the two tanks; and drains into the building. There's no way to overfill the tanks. The only way you could possibly have matter on the ground; is an actual catastrophic failure. Like a plane flying into a Pentagon type scenario.

V. Weeks – Any other comments? They seemed to have fulfilled all the requirements by the engineer and by the planner from the memos that we have received from both. There being no other comments; may I have a motion to either approve or not approve?

B. Kerr – Mrs. Weeks if I may add something about the landscaping?

V. Weeks – Yes; sir.

B. Kerr – One of the changes that were made to the landscaping plan is the table was divided to show how many trees were being planted in both. Phase 2 A; B; and Phase 2 C; hopefully that helps with when trees are going to be planted.

V. Weeks – It does. When this was originally given to us; it wasn't really an A; B; C; type of thing.

B. Kerr – Correct.

V. Weeks – I just wanted to state that all of the trees that were shown for the first installation were going to go up during the; right after the first installation. Thank you for bringing that to our attention. Is there a motion?

T. Kanakos – Yeah. I make a motion that we approve the final site plan for the installation of the fermentation tank farm.

V. Weeks – Do we have a second?

L. Frey – I'll second.

V. Weeks – All in favor? Not all in favor; sorry; we need a voice call vote.

T. Kanakos – Yes.

R. Greig – Yes.
L. Frey – Yes.
V. Weeks – Yes.
V. Weeks – Ok, those tanks that are sitting in the front yard can be put up now; right?
Mr. Benz – Yes.
T. Kanakos – I think they started about ten minutes after the last meeting. I went over there.
Mr. Benz – Well; that's seven AM tomorrow morning.
T. Kanakos – Yeah; I know.

V. Weeks – Alright; I know you guys need a table. This is a very uncomfortable scenario when we have a meeting here. We're going to do, B:

b. The applicant, Dogfish Properties, LLC, is requesting approval for the following items:

- 1. Preliminary site plan for the installation of a process wastewater storage tank.**
- 2. Revisions to a portion of the Master Plan – Cannery Village**
The property is located at 6 The Center further identified by Sussex County Tax Map and Parcel # 2-35-20.11-52.01 & 52.06.

V. Weeks – Alright so; lets take out papers on the wastewater tank first; please. You all have; URS comments? I would like to ask the attorney and the consultants; when we make a motion; rather than having to re-read these entire things into the motion; is there a better way to do it?
D. Pfeil – Planner; URS; I think the concern that Bob and I have is; you can make the motion contingent upon our comments. Sometimes in our letters; as boring as they get; I know; sometimes in our letters; mid section page five; we have a question which is like a yes; or no; or discussion; or a decision to be made by the planning commission. In the past we have been in some situations where we've had to be the authority on that; because the specific question wasn't addressed. We can do a little bit better jobs; in our letters; maybe; highlight the question ones. As you go through our comments; if there are specific questions we need action taken on those. If not; it's not a problem to be contingent upon if there's no discussion. That would mean that the applicant would have to agree to my A through Z; and they would have to agree to Bob's A through Z. Unless it was a discussion or question of what I asked.
V. Weeks – Did you all get a copy of this letter of intent; the construction and operation of a pollution control structure? Wash down waste water storage tank?
T. Kanakos – No.
V. Weeks – How come I have it and you all don't?
L. Frey – I have it.
V. Weeks – Which pretty much describes the exact reason; this was in your packet from April.
T. Kanakos – Oh; I don't have that with me.

V. Weeks – Those of us; except for Richard; I believe received it in April. Correct? In the interest of getting it all our; Mr. Benz would you please explain to us in detail what the wastewater tank is; and if it spills over what the consequences are? The drainage; the pond; the over spill area here; I want to know about odor from that. Would the applicant please address this?

Mr. Benz – The waste water tank is a bit of a misnomer because waste water; in most peoples minds; congers up images of human waste or animal waste and that's that is not what this is. This is diluted beer; slightly with a little bit of detergent in it that is used for wash down of the tanks. It is all organic matter. Every drop of liquid that we send out of this facility goes for land application on farm land. Currently, it is considered a highly sought after fertilizer. This tank; is a buffer tank; to hold the water; as all the drains are tied together within the facility. They go through a baffling system for solid separation and this tank holds the remaining liquid. It is then used to fill a 3,000 gallon tanker truck; that we fill; drives to farmlands within three to four miles of Milton. Then we spray irrigate on their farmlands per our DNREC permits. We currently have four different farmers; on four separate pieces of farmland that we have a land lease relationship with for irrigation purposes. This tank is a holding vessel only. In the event of a spill; the natural topography will take that liquid into this retention pond area. This retention pond will have no odor associated with it; because; for all intensive purposes it is going to look like a drain spill over. Not like any development that you have ever seen; it will never have liquid it. In the event; an unlikely event; if there is ever a rupture; and that retention pond fills up with liquid; our DNREC permit specifies the protocol by which that has to be emptied. This would involve calling in pumper trucks immediately; notifying DNREC; as all part of the permit process to get that taken care of as quick a manner as possible. The odor emissions from that land swell area; that is meant to be the containment area; if there was a rupture; there is absolutely no odor with it unless there was a problem; which none of us anticipate. If there is a problem; it is dealt within a matter of hours because; we have to. We have to follow the code and laws according to our DNREC permits.

T. Kanakos – You will be using the large tank in conjunction with the six smaller tanks?

Mr. Benz – Correct. Something I failed to mention before; the reason why we need this additional capacity right now is; we brew twenty-four six and the moment. We package five days a week; two shifts; about sixteen hours a day on five different days. Both of those operations generate; what we a calling here; wastewater; what I call diluted beer. Which means because we can only apply; per DNREC permits; during daylight hours. We are accumulating liquids in these tanks during the rest of those around the clock operations. Until the truck can fire up first thing in the morning; and we run Monday through Saturday. With this tank; it gives us enough buffer capacity that we don't need to fire the trucks up at 5:30 in the morning; we can start at more reasonable hour in the morning. And out of the gates we immediately eliminate Saturday operations at least for the next year or two; until production finally catches up with that again; which will help with the noise issue; which was part of the complaints at the Cannery; or excuse me; Chestnut property folks. There will be less truck usage; more runs of trucks during more prime time hours as apposed to the

usage of the trucks on Saturdays; which is permitted. Early hour running; while we can't apply until day break; we can put the liquid in the truck and drive it to the farm land and be ready for day break to break; then start land application. We don't need to do it as early as the rooster wakes up.

T. Kanakos – What is the life span of the six tanks that you have? How old are they; that are there now?

Mr. Benz – The poly tanks we have range in age for three years to four years old; somewhere in that ballpark. They were purchased since I've been here; and I've only been here five and a half years.

T. Kanakos – Do you plan; in the future of taking those away and putting up larger tanks? Like the one you are requesting now?

Mr. Benz – No.

T. Kanakos – That will stay; that's the same...

Mr. Benz – Correct. This 67,000 gallon tank provides us with many; many years of capacity; capability. We have tanks installed at the farms on which we applicate; as additional buffering capacity; so we can transport from our facility to a holding tank there; which will then fill a separate applicator to land apply. Because we don't have a separate land application unit at each farm. If we ever find ourselves in the need; we can store on the farm land as well; and that is all part of this buffering capacity we are trying to build up.

V. Weeks – When the weather has been really wet for a long time; how long a delay is there? What is the longest delay that you could not spread this stuff on the farm lands, because the ground was too wet?

Mr. Benz – I don't really know the exact answer to that question. We have never been curtailed based on weather; although; that possibility does exist. We have other outlets besides land applications; we have a relationship with Vlasic Pickle Plant; in Millsboro; which is also under DNREC permit. We rely on companies like Clean Delaware to come out and pump our solids. If we find ourselves with an emergency; we pay the top rate to go to a commercial; typical; sewage pumping type arrangement to come and pump our liquid if we need to. That is very costly and we try to avoid that.

T. Kanakos – So; during the winter when the fields are frozen.

Mr. Benz – Frozen applications are permissible under DNREC law.

T. Kanakos – Ok.

V. Weeks – The specifications of the tanks; the height and all of that; is on preliminary. Let's go through the general things under the planning and the technical are the usual. The area map is required listing the zoning districts within 500 feet of the property. Properties to the north and Chestnut Crossing; and properties to west. The Village Center Boulevard is not identified and need to be. The existing natural features; such as; water courses; water bodies; wet lands; wooded area; and individual large trees; showing features to be retained. On Phase 1 and 2; the area along the fence between Dogfish Head and Chestnut Properties; indicated a tree line or woods. This detail has been removed from this phase indicating a clear cutting of all trees. You will put those trees back into plan even though they've been approved.

G. Moore – Becker Morgan. We have no problems with any of those comments. We are not planning to clear the trees; as we said last time; we will add them back in and keep them as a natural buffer.

V. Weeks – Thank you. You will put a drawing in the specifications of the tank on the plans and you will require the location of all existing or proposed site improvements; including streets; drains; culverts; retaining walls; etc. The foundation area around the tanks is not indicated and the retaining wall enclosing the tanks; could be interpreted as a wall to capture any potential spill. Would you address that in the final site plan; please?

Mr. Moore – Actually the preliminary plan show a depression or a pond area which will catch material. It will not be a separate containment area made of concrete. The pond that Mr. Benz referred to; that will be grassed; and we think that fits in with the natural landscape there. It's part of the DNREC permit; as well.

V. Weeks – Ok. Provisions for buffer area and other landscaping is required on the site plan. Since your landscape buffer between Dogfish Head and Chestnut Properties is displayed on the plans; the lands to the east and south of the site shall be shown for buffer requirements. Require the location of all parking and truck loading areas; (that definitely) show access and ingress; drives; provide details on parking and loading; and direction of travel for removing the waste out of the tanks. At present; just to clarify that. The trucks that come in to empty this; will be coming in off of the entrance on the north side of the building?

Mr. Moore – Correct.

V. Weeks – At the back of the building.

Mr. Moore – Correct.

V. Weeks – And they will be coming and picking up the waste; and exiting the same way?

Mr. Moore – Correct.

V. Weeks – And it will be that way until Phase 5; 6; or 7; whatever it is; when you put the loop road in; correct?

Mr. Moore – And then the traffic will change; it will be one way around the building. But; until we do that; it will be as you just stated.

V. Weeks – Do you have a time frame; more or less for that?

Mr. Moore – A time frame for the installation of the loop road? I don't believe it is scheduled for this year in the budget. I think that will be based on the market conditions and Dogfishes' ability to expand and create revenues to do that. That could be next year; it will not be this year.

V. Weeks – But; it will be done?

Mr. Moore – Yes.

V. Weeks - Anybody else have any questions? (No Response) Any comments? (Nor Response) Debbie?

Mr. Moore – May I add one clarification? In the beginning of what you were just saying; you were talking about the buffer for Chestnut; the adjacent sub-division; my interpretation is that we've already accomplished that by the buffer we installed under Phase 1. I think you were referring to that?

V. Weeks – I was.

Mr. Moore – We will continue to show that on the plan.

V. Weeks – I'm asking that, please.

D. Pfeil – I'm not sure; I think you just read; part of Bob's comments and part of mine. Is that correct; into the record?

V. Weeks – No; I read yours.

D. Pfeil – Mine; ok. So you've read all my comments into the record?

V. Weeks – No; I've got up to the second part.

D. Pfeil – Article 7.2.6?

V. Weeks – Yes.

D. Pfeil – Ok. My comments were for the applicants' engineer; and I don't have any specific questions on items 2; 3; 4; or 5. For discussion or questions unless the Planning Commission had additional comments; unless you want me to read them all into the record?

V. Weeks – No.

D. Pfeil - This is where we were saying; if they agree; its contingent upon; but I don't have any specific questions. I know Mr. Kerr does.

V. Weeks – (Inaudible) Mr. Kerr; off street parking should be paved.

D. Pfeil – These were the same comments I had last month.

V. Weeks – Does anybody on the commission any further comments on 2; 3; 4; or 5? (No Response) No; Alright.

Mr. Moore – Just one clarification; Debbie; as part of your comments; we do not intend that area back there to be a parking area; that is truck or pull up; stop; get loaded and leave. We are not intending it; even though be labeled it as parking area; change that.

D. Pfeil – Ok; as long as it is labeled parking area then you are subject to the 7.2.6.

Mr. Moore – We are going to change the labeling; because we don't intend that.

D. Pfeil – Ok; that's fine. Thank you.

V. Weeks – Any other comments? (No Response) No. Mr. Kerr; would you like to address your comments?

B. Kerr – The first four items; I think have already talked about. The six existing settling tanks; I don't believe have appeared on any site plans; so in essence your; I guess being asked to approve their location and inclusion as part of this. As far as I recall; there have been two site plans to date; and one was when the brewery first opened; and the second was when they did some improvements to the front and put in the large parking lot. Item #6 on my memo;

V. Weeks – Could I just as you?

B. Kerr – Certainly.

V. Weeks - Are these six tanks next to the proposed tank; not the settling tanks?

B. Kerr – No. I believe the settling tanks; there's an existing pumping; excuse me; existing pump building and the settling tanks are part of that building.

Mr. Moore – That's waste water storage.

V. Weeks – Ok; settling tanks are different from the waste water storage tanks?

B. Kerr – Yes; the water comes out; or the liquid comes out of the brewery; and through a tank just outside the building; then it goes into the existing pump station building and I believe there are some settling tanks there. I'm assuming it then gets pumps into one of the six tanks. They want to add this other larger tank to that piping network so they have the ability to use any; or all; of the tanks.

V. Weeks – They just showed the area of the existing settlement tanks; they didn't show the tanks themselves.

B. Kerr – That's essentially what it is; just a square; it's probably very similar to a septic tank placed in the ground. I believe it is below ground.

V. Weeks – Thank you. It is confusing to those of us that are not in the beer business.

B. Kerr – I'm not involved in that; but the waste water I do understand a little bit about.

V. Weeks – The vocabulary sometimes is strange to us. Thank you; continue; please.

B. Kerr – Item #6; it believed the necessity for the containment pond is in the event of a failure on the new tank; which was discussed at the public hearing. There are many other ways of doing this. Essentially putting a wall around those tanks would accomplish the same thing; without collecting as much storm water. A 30 by 80 by 4 foot high; a little over 4 foot high wall; would provide the same amount of containment; also providing a double wall tank; instead of just a single wall tank. This would be another way of doing it. There is also ways; if DNREC is concerned about spillage during truck loading; there is way of dealing with that. I guess my biggest concern is that is pond is going to collect considerable amount of storm water. There is always the potential for storm water to be in the pond. How that will be dealt with; is a concern.

V. Weeks – Does soil and conservation have to approve this holding pond?

G. Moore – Becker Morgan Group. They have already approved the construction of the pond for this purpose. To me; what that means is; that they're comfortable with the drainage and the possibility that does get in. Heavy rain there will be some water; but it will be grassed; it will have topsoil; and it will drain itself. It does not have a large amount of storm water effect with exception of what falls right in it. It does not have a tremendous; what we call; drainage area going to it. So it's not going to be in a sub-division where the entire sub-division flushes into the pond. This pond is designed to accept the tank and not the adjacent areas. If there were to be a large amount of storm water in it; we will pump that out; as a part of maintenance agreement with DNREC as part of the permit. Similarly if; as Mr. Benz said; if the tank were to have something happen to it; and the material wouldn't go into it; we would have to pump that manually as part of our permit; for a matter of hours to get that material out.

T. Kanakos – Would that have to be reprocessed back into your settling tank or whatever is in that. You have a lot of things mixed in there; soil and beer and whatever.

Mr. Benz – If you calling somebody to pump it; you need somebody who is DNREC authorized to pump it; like a Clean Delaware. They will take to their own treatment facility.

V. Weeks – I have another question. The town engineer suggested four foot high containment structure; rather than using the retention pond.

Mr. Moore – We would prefer to do what we show on the drawings. Because it's grass; it less impervious; better for the environment; less construction; less foundation; less disturbance; less of expense as well. It also means what DNREC has recommended. We've submitted the drawings that you are looking at to them. They

are ready to approve. They believe that it is a very good way to handle the tank; if there happens to be problems.

V. Weeks – This is beyond my engineering things. What is your opinion; Mr. Kerr.

B. Kerr – I guess I should defer to DNREC; who is issuing the permit. Personally; I would have done it in a different manner. But; if DNREC thinks that's the way to go;

V. Weeks – DNREC might not have thought of the four foot high wall.

Mr. Moore – I can tell you that DNREC was actually on the site; walked the site with our engineer; he is actually with us; so they are very familiar with the site. They already have a permit for the waste product there now and they are familiar with that product; how it is taken from the site. They are comfortable with what we're doing. We want to keep that relationship the same.

V. Weeks – Our responsibility though is to the town. Which is better for the town; and why?

B. Kerr – I guess it comes down to a difference of opinion. There are always several ways of coming up with an engineered solution. This would not have been my first way of doing it.

V. Weeks – It's acceptable.

B. Kerr – It would be acceptable. I am concerned with the collection of storm water; and; or; the fact that is the back of a manufacturing facility; so anything that is spilled on the ground ends up getting flushed into the storm water pond. It can become a maintenance issue. Some requirement that there be some agreed upon; maintenance schedule; or something; I'm thinking probably too fast here. That would be the concern that over time; you see often times; (where did that come from) wet lands; vegetation growing up, That on one side is good; but on the other side it captures a lot of trash and other debris that makes it much more difficult to clean.

V. Weeks – And if you walk back there; it's not pretty as it is right now.

B. Kerr – I have not been back there in several years.

V. Weeks – What about the berms or the slope; it's #8.

B. Kerr – My experience has been with the dunes built with a two to one slope are very hard to maintain; erosion becomes a major concern.

Mr. Moore – We agree with Mr. Kerr's comments on the two to one and agree to change it to three to one; which is more traditional and that's no problem. We've done that with the advice of his comments. DNREC is aware of that and is satisfied with that.

T. Kanakos – With the three to one?

Mr. Moore – Yes.

V. Weeks – Does the three to one have any effect on the containment preventing any other things getting in the pond?

B. Kerr – No; the best thing it does; is keeps the lagoon there; the steeper the banks the more likely is to be eroded and in the event of a catastrophic failure; a topping of the berm begins to erode; but with a three to one it's not as likely. Even trying to mow the sides of a two to one slope; are next to impossible. Three to one is; do able.

V. Weeks – Thank you. Sorry to interrupt you; if you would like to continue now; I guess # 7.

T. Kanakos – No; we did #7 already; and 8.

B. Kerr – I believe we've done 7 and 8. #9 the existing tanks the way the elevations are shown; there probably needs to be some additional grading done along the Chestnut Crossing property. It appeared the existing tanks; and I realize DNREC's issue is the big tank; I'm worried about all the tanks. Some additional grading; so that one of those were to fail; it would also enter the containment pond.

V. Weeks – Ok; so if we make a motion and make sure that this is contingent upon your approval; would that satisfy your specifications?

B. Kerr – Yes.

V. Weeks - # 10.

B. Kerr – Not knowing the operation of the; or how the tanks are operated; if they are all manifold together so they act as one tank; going up and down together; that changes the volumes that they could possibly rupture. If a piping ruptures; if each tank is separately valved; and that is the way that they are operated; it's not a concern. But possibly some note on the drawing; indicating how the tanks will be operated; such as that they're not one large tank; but seven smaller tanks.

B. Simpkins – Becker Morgan – the initial operation of the tank is where they are all manifolded together; as you know the small tanks are only fourteen feet tall; which is going to limit the volume pour in the large tank. When the large tank is fully utilized; it will have to have a high lift pump of some sort; to raise the water. Those smaller tanks will no longer be able to be used; because they will be under significant pressure; so they would not be part of the system.

T. Kanakos – So; they would be off line or removed?

B. Simpkins? – They would be operated independently.

T. Kanakos – So; there would be no plumbing between them?

B. Simpkins? – No; they would have to be separated.

T. Kanakos – Is that in the plan?

B. Simpkins – At this stage; No they're just plumbed together; because it is not being pumped to the full height of the tank. The full height of the tank is there; for future use; but it is not being pumped up to it at this time.

T. Kanakos – So; as you increase your capacity; you will then exercise that procedure and disconnect the other six? How is this going to be; and when?

Mr. Moore? – We will decouple the large tank from the six small tanks and the six small tanks operate as an independent network; from the larger 67,000 gallon tank.

T. Kanakos – But; right now; if it is fourteen feet in the small tanks; it can only be fourteen feet; it finds its own level and that's it.

Mr. Moore? – Correct.

T. Kanakos – You will separate that; at one point; then pump everything into the big tank? Down the road.

Mr. Moore? - Or; the small tanks.

T. Kanakos – Or; the small tanks; so you'll be using them in conjunction?

Mr. Moore? – Correct.

T. Kanakos – Not at the same time; but at least they're both functional units.

B. Simpkins? – Correct.

V. Weeks – Bob; does that satisfy you?

B. Kerr – Yes; I would prefer to see some notes detailing that. I guess the warning flag was; “Connection to tank to be coordinated in the field”. Note on the drawing that leaves how it’s going to be operated and connected; kind of up in the air.

V. Weeks – That is going to be on contingent of approval?

B. Kerr – Just an additional notes; they will be operated as two individual systems and not interconnected.

T. Kanakos – At sometime in the future. Oh, on the final you want them separated?

Mr. Benz? – As business needs dictate; those will be separated. We would like to clarify that note; to say that initially it’s one network. When we need to operate that tank above the level of the existing six tanks; they will be separated into two separate networks and I would be happy to clarify that on the drawing. It is impossible to fill that large tank if they are manifolded together.

C. Kerr – I understand that; but it really wasn’t clear how it was going to be operated; was my concern. The total volume when it was operated with seven tanks; is less than 67,000 gallons?

G. Moore? – Yeah; each of the existing tanks are 6,000 gallon tanks if filled to the absolute top.

B. Kerr - Ok; and ..

G. Moore? – So that would be 36,000 gallons on the existing six tanks; and I don’t know off my head what fourteen feet on the 15 foot diameter.

B. Kerr - Yes; but there was no information on how tall the existing tanks were; so there was no way to calculate it.

G. Moore? I’m ok with putting the notes on there to clarify that; per what he is asking.

V. Weeks – So; that will be done to your satisfaction.

B. Kerr – Ok.

V. Weeks – The drawings contain no information on lighting or signage. Will there be additional lighting; back there?

G. Moore – Becker Morgan – No; no additional lighting; it can’t be operated at night.

V. Weeks – That will be on the front page also on this? Grammaticus that there will not be additional lighting.

G. Moore – Yes; and no additional signage similar to our hearing

V. Weeks – Please; in this as in the other; provide the landscaping as approved in Phase 1. Just make it part of putting on the drawings.

G. Moore – We will put back the landscaping that is going in as Phase 1; so you can see it on the drawings.

V. Weeks – Thank you. Number 13; Bob, do you want to discuss it?

B. Kerr – Sure. You may wish to discuss and ask what provisions for odor control are provided. If this material is stored for any length of time; how much odor is generated and what happens; and how it that treated? I understand now that the pond is going to be cleaned immediately; but there was nothing in was presented; detailing that. What is the average storage time and what is the maximum storage time?

V. Weeks – I believe on that; where did it go; the piece of paper I asked you to look at...

B. Kerr – If the answer is in that; that would suffice; but I did not get a copy of this for review; this is the first time I have seen it; this evening.

G. Moore – Becker Morgan - If we are so lucky as to get approval of the preliminary; we are actually going to be able to get DNRECS' permit and it will have an operation of maintenance procedure manual as part of that. And, Bob, we will provide that to you as part of the final; so you see what they're actually requiring and some of what they are requiring actually answers a lot of your questions.

B. Kerr – That may suffice; yes.

V. Weeks – Would you like to continue?

B. Kerr – Yes. Item #14; was just whether any other type of storage tank was considered. Either a below ground or a horizontal tank rather than a vertical tank

V. Weeks – Does the commission have anything to say?

T. Kanakos – I would like to ask; your comment as to why they picked that type of tank.

G. Moore – This type was actually in operation at a school. It was a public water tank; it became available; it was the right size; it was the right diameter; it could be plumbed into our system; and it provided the future long term ability for the expansion. It's size; it's availability and it's make up; in terms of safety and that it was a water tank and it successfully operated for about five years. This made it a prime candidate for this job and we did consider other tanks; but for those reasons; we choose this one.

T. Kanakos – You can't just put that horizontal? That must stand up; vertical?

B. Kerr – No.

Mr. Moore – Thank you, Bob.

V. Weeks – Why is the school not using it any longer?

G. Moore – This was actually from a school in Wicomico County and they had no water supply. They had their own well; treatment and storage. The tank was there primarily for portable storage and they got hooked up to a municipal system; so they did not need a tank. The tank is approximately five years old; and has operated very affectively there.

V. Weeks – What is the life time of a tank like that?

G. Moore – I would say; fifty to one hundred years. Bob, would you agree?

T. Kanakos – Are they stainless?

G. Moore – This is not a stainless tank; no. This is a standard water storage tank.

B. Kerr – This would; I believe; did I see it was a Peabody tank? Peabody Tech? Yes, it's similar to a Peabody Tech tank that has a factory applied coating; probably a 20 to 30 year warranty on the coating. Probably with proper maintenance; you would consider a 50 year life; or something like that.

V. Weeks – Will it hold beer as well as water?

B. Kerr – I'm not going to say that I can quote the effects of beer and how that changes the length of time. But it would not be ...

T. Kanakos – No water into wine?

B. Kerr – Ah; no that won't happen. It's not extremely corrosive; so with the proper coating; proper maintenance; it would last.

V. Weeks – It would be in their benefit for them to keep it. Would you like to continue?

B. Kerr – The last two items are; just kind of the standard thing; where if their getting preliminary approval; they need to get the outside approvals reviewed by my office

and Debbie's office. Once those approvals are all given; and they submit back to Robin; it can be placed on the agenda for a future meeting.

V. Weeks – And it must be in before; what time? Robin, so we're all clear. The first of the month.

D. Pfeil – For the next month's meeting.

V. Weeks – So if it's in at the first of May; then it can be on the May agenda.

D. Pfeil – Planner – URS – They are not eligible to submit to Robin; for final; until they get a letter of approval; or letter; from Bob's office and my office. We are considered an outside agency that is not the way that this particular procedure worked tonight. What has to happen; is that they have approval letters from us; just like they have to have all the other agencies before they submit to Robin. In essence; it would be a week. Our turn around time is usually more than that.

V. Weeks – Thank you. I just wanted to get that out...

B. Kerr – Just as a point of clarification; I did three reviews of this drawing; of the two drawings that you just approved last week. We went through three separate reviews. A couple of them were fairly minor; fairly quick; but it took three tries to get everything accomplished.

V. Weeks – You can blame it all on me. Ok? I know you would like to.

T. Kanakos – No; we didn't.

V. Weeks – Oh good. And you can thank me. The attached preliminary site plan requirement check list; shall be fixed also; please. Bob, do you have anything further on the waste water storage?

B. Weeks – No; Mam.

V. Weeks – Debbie?

D. Pfeil – No.

Mary Shrider-Fox – No comments

V. Weeks – Does anybody on the commission want to say or ask anything further? Debbie, would you help us here with the motion, please? I never seem to be able to get this down.

D. Pfeil – What your motion should be or the recommendations out of it?

V. Weeks – Since nobody has anything further to ask or to say; I am about to ask for a motion. I believe that we had some additions to Bob's comment on number 9 and number 10. They would need to satisfy Bob's requirements on that; and I want to make that clear in the motion.

D. Pfeil – One method that could be recommended; is contingent upon the planner's comments as written in the letter; as an exhibit for the minutes. As well as the Town Engineer's comments. Contingent upon the comments with the Town Engineer. However, item 9...did I have 9?

T. Kanakos – 9 and 10.

D. Pfeil – 8 is the agreement with the 3 to 1; which we have the applicants engineer on record; stating to do that. The other one is; 9 additional grading and 10 is the additional notes put on the drawing. Thanks, Robin. Then, any other additional comments you may have. That way when Bob comes to final; and we go through our final check; he can go through his comments and look at what your decisions were on those three items as well as his other laundry list; like we have.

V. Weeks – There being no further comments or discussion; would somebody like to make a motion?

T. Kanakos – Yes; I make a motion that we approve the preliminary site plan for the installation of a process wastewater storage tank as presented with the contingency upon meeting the town engineer's comments; specifically; comments in his review. Page 8; 9; and 10. 8 would be the slopes of the retainment pond. And 9 in the event of a failure of existing tank discharge; how it would be graded; actually; what this would do. And 10; future of the whole tanks; six small and one large tank.

V. Weeks – And it satisfy all the engineers requirements.

T. Kanakos – Yes. Is there a second to that?

L. Frey – I'll second the motion.

V. Weeks – Is that sufficient; Debbie?

D. Pfeil – I believe so.

V. Weeks – Ok. You are all happy? Alright. May I have a roll call vote?

L. Frey – Madam Chair; I do want the plans signed.

V. Weeks – Yes; the plans of coarse; must be signed.

T. Kanakos – Yes.

R. Greig – Yes.

L. Frey – Yes.

V. Weeks – Vote yes. Your preliminary plans approved for the wastewater storage tank. Does anybody want a break? No break required?

T. Kanakos – Let's go right through it.

V. Weeks – We'll take a one minute break while we all get the rest of our papers out here.

L. Frey – Ginny; they didn't bring any samples.

V. Weeks – No, they didn't bring any samples. Mr. Kanakos will be back in a minute. We'll take a few minutes break until that time. Ok?

V. Weeks – The next thing we are going to look at is:

**2. Revisions to a portion of the Master Plan – Cannery Village
The property is located at 6 The Center further identified by Sussex
County Tax Map and Parcel # 2-35-20.11-52.01 & 52.06.**

V. Weeks – We've had some talks with the consultants and we have a suggestion. Would the town solicitor like to address that please?

Mary Shrider-Fox – It's not as much of a suggestion as a possibility; that our professionals over here were discussing. I'll defer to Debbie on this one. She is the one that had this idea.

D. Pfeil - I don't show up for a while and see what happens! Basically; what we've talked about is; in the past on master plan; site plans; of coarse the engineer; the town; the planning commission; and myself; love to see what you're going to do with the property as a whole. It's a great idea so we can see; traffic; coverage; what exactly you are going to do with the property. In the past; people have come in and not divulged that information. It always raises the unknown. It raises a lot of public comments; as well. I commend you in bringing in the phases. Some of the down side

of having a master plan; is if you want it recorded as a document. The way that things have been done in the past; is any change at all or alteration to the master plan comes back to the planning commission again. So; one of our concerns here was; if you are laying this out as a concept; and we have it as a file; and we have it as a record; so when you come in again; each one of these is going to have to come in for a preliminary final either way. But if you want this as a recorded document; we've ran into this with Cannery Village; any change at all; basically in the past; you had to come in for another planning commission; which opens you up to regulations and public; could be a potential public hearing if they chose to. What Bob and I were discussing; I'm going to put Bob in now. Bob and I discussing this, we know we're going to see each phase on this because; even though it's a master plan; you're going to have to come back.

G. Moore – Becker Morgan - ...

B. Kerr – If you need a couple of minutes to....

G. Moore – No, we don't need a couple of minutes. We actually showed the master plan; as a show of good faith; so we knew what we were going to do. We knew we were going to have opposition; we wanted the people to know what our near term and long term growth pattern was. To be a good neighbor. We do need to record the document and we knew we had to come back. Plot preliminary and final for every single phase; which gives you the opportunity to see these things and if don't record it; we can then; is something changes; we can bring those plans to you. We just thought it was a good thing to do and let you see it.

V. Weeks – And we are indeed appreciative to have an idea of what you are doing.

T. Kanakos – If you are going through the phases; then you can just amend it as you go.

G. Moore – Correct.

D. Pfeil – What they'll bring in is the details of true decisions that have to be made at preliminary and final. So what we're treating this as; and if we want to have discussion purposes tonight rather than say; great; thanks for the plans; see ya! We can treat this as a concept and have some discussions now on the concept; like the lay out; the traffic patterns; and stuff. Have it into the record with the minutes; and of course; we have to have the plan because you submitted it. We've accepted your money for the application. It's not like it's the missing plan. I think we should still continue with discussion on some concerns and everything so they can take notes when they come back in; and some comments; so when they come back in for each phase they'll know how to address it.

G. Moore – I'm fine with that.

T. Kanakos – There won't be a motion then?

V. Weeks – Now we'll beep beep on the Town Solicitor. Do we then have to go back and change the agenda to make this a conceptual rather than preliminary?

Mary Shrider-Fox – No, I think we're fine for tonight and the agenda the way that it was written. Yes, I think this is fine.

V. Weeks – So; tonight there will be no vote; there will be no motion; we are just going to discuss what is in the future as a master plan for this parcel; as much as when we do a conceptual review. Ok. Thank you; Ladies and Gentlemen. Debbie, do you want to address your concerns, please? Do you all have your papers?

R. Greig? – No, I'm going to share yours. Bring it over here.

D. Pfeil – I'm going to skip around a little bit, you know the first paragraph is always standard hooplah.

Item #1, parking spaces will be eliminated based on the various phases of the master plan; which we knew that; on phase one and two. The commission should insure the parking lot area has dedicated parking for the employees and meet the parking requirements. Has not been determined what is going to be developed in the open areas near the parking lot at this time. I believe that was covered in your discussions on Phase 1. Remember these were written March. Phase 4 loop directs traffic from the south east corner of the building to both sides of the building. This loop will provide vehicle traffic around the building until Phase 6 starts. Then all access to the rear of the building will be from the south east loop. Basically; if you look at my comments; two; three; and four; it is more so about the turn around and when the phasing is going to be build for traffic flow pattern. For example; on Phase 5 relocates the loading from the north side; which is the rear of the building; to the east side of the building. Once Phase 6 begins; vehicles will be required to travel to the north side; which is the rear of the building; then turn around in the cult-de-sack; and then exit in the direction they came from. I'm not sure if operationally they wanted to address the traffic flow pattern.

Mr. Benz? – We covered this in preliminary; four and five will be phased together. That is how we would do it for a business perspective. What dictates the need for one way traffic around the building; is because we are putting the loading docks in the back.

D. Pfeil – On your five and six? Correct? Ok.

Mr. Benz? – Four and five would absolutely be done together; as a group; just like one and two were done together.

D. Pfeil – Ok; and that could have been discussed at their nice power point presentation that I missed. Phase 6 eliminates the current access driveway for the brewery and a town house unit consisting of five dwellings. We want it to be noted that there was five dwellings.

V. Weeks – Where is that?

Mr. Benz? – That would have been part of a very old master plan that was not us.

D. Pfeil – That is what I had to go back to; the original master plan of the property.

T. Kanakos – That's still in effect?

Mr. Benz? – Prior to us purchasing this facility that might have been the master plan; I suppose.

D. Pfeil – Correct.

T. Kanakos – But does that apply now?

D. Pfeil - No, now they own the property. The townhouse units are obviously; not being built there.

T. Kanakos – Ok.

Mr. Benz? – Yes, we absolutely agree with that.

D. Pfeil – Unless the shift workers...(Laughter) Once again five; six; seven; eight and nine; if I really; quickly go through those; it looks like those were addressed. Because it's all traffic patterns; it's all the flow and the traffic pattern. We were going to defer to the engineer; but we thought we were going to play want to be engineer on this. I

think they addressed it; basically in the power point presentation. How they are going to flow and teaming up the phases. Based on my comments; I don't have any further recommendations or issues.

V. Weeks – In effect on the final traffic patters; they're going to come in on the south east along; what is the parking area. Then proceed to the back where the warehousing is. Then continue down and make a turn around on loop 4; or is it going to be one way out on the north side?

Mr. Benz? – One way in; one way out. The one way in is to go beyond where the offices are; make a left between the building and the parking lot; wrap around the back side of the building; and come back out the north side of the building.

V. Weeks – Ok, that's what I thought. I wanted to make sure.

D. Pfeil – That clarified my comments.

Mr. Benz? – That is in no way; shape; or form is connected to the public road that is part of whatever phase it is; of Cannery Village's expansion across the Round Pole Branch. I am not familiar with the name of the road. I think that was one of Bob's comments.

V. Weeks – Did I read somewhere that you are proposing another entrance off Fulham Drive into the parking lot? Did I see that in one of the comments?

B. Kerr – Cannery as part of their phase; I'm not sure if it was Phase two B; or two C; One of those two phases because they were approved the same night; makes a new entrance into the parking lot off Fulham Drive. That is their responsibility to do all that construction.

Mr. Benz? – That's not us.

V. Weeks – But it's your parking lot.

Mr. Benz? – Correct.

B. B. Kerr – There is a joint agreement where Cannery Village and Dogfish share use of the parking lot and it defines how maintenance and everything is taken care of. That was discussed at the time that two B and two C were approved and the club house; because the club house uses that.

V. Weeks – On your preliminary; I believe; Bob; you discussed the parking issues for this in number 13 since we're on the parking lot. You said the ordinance requires one parking space for 500 square feet of industrial building. The proposed expansion; the building footprint would be less than 125,000 square feet; which would require 250 parking spaces for the building.

B. Kerr – Yes; and with they have told us the planned employee count for the next five years; or something. There is more than adequate parking.

V. Weeks – I'm concerned about the visitors because at present; they say that they are getting 600 to 1,000 a week.

Mr. Benz? – 600 to 1,000 people come a week; but not at the same time.

B. Kerr – It's not all at 4:30 Friday afternoon?

Mr. Benz? – No. Tours are by reservation only; and at any given point; we only have 25 people on a tour at any given hour. We may run tours over many hours in a day starting at noon and ending at; I believe 6:00 and we run; Tuesday; Wednesday; Thursday; Friday and Saturday.

V. Weeks – I think we should all go home now; was that thunder? So are you satisfied; because I'm concerned because they are also going to put commercial

buildings; which supposedly are going to use that parking lot. We have no idea what the square footage of those.

B. Kerr – I believe the agreement limits the amount of use and part of it may also be the time of day and that type of thing; because now they're moving into more of a 24 hour operation. All of their employees are not there at the same time. We will have to take another look at that when the commercial comes back in. But he who comes in last is the one who....

V. Weeks – Gets a piece of the pie.

B. Kerr – Yes.

V. Weeks – Robin next time when could we all get a copy of that agreement? I don't remember ever seeing it; just rather than always having to reference it.

Mary Shrider-Fox – I just wanted to make a quick comment on the agreement. This is something that we're going to have to; I'm going to say; reserve decision on for a future date. I have been communicating a little bit with Mr. Dunkle about this issue; he has been able to verify that this parking agreement is not a recorded document at the Recorder of Deeds office. That may very well change the importance in all of this. Really for the Planning and Zoning Commissions purposes right now; if Dogfish Head satisfies their parking requirement; they satisfy their parking requirement; and whatever relationship they may have with their neighbors; in terms of shared parking; I'm not so sure that we need to be concerned with that right now. We are going to look into the issue a little bit more and I'm sure Mr. Dunkle and I will be talking about it some more in the future so that we can figure out what role this parking agreement does play in this entire project.

V. Weeks – In the future I see it as becoming quite relevant.

Mary Shrider-Fox – What I'm saying tonight is; I haven't made the decision as to how relevant I think it is. Because; we don't know enough about it yet and we still need to discuss a little bit more.

V. Weeks – Ok.

L. Frey – I have a question. We based our opinion; our vote; when Cannery Village came in for their clubhouse. We based their evidence that they were going to be able to use parking at Dogfish; shared parking. Now that is what our vote was based on. That could change the whole thing; allowing that clubhouse to be built. Nothing to do with this application; but I'm asking this for my own ...

Mary Shrider-Fox – Right; I know what you're saying; and all I can tell you is that the document that I've seen; Dogfish Head is not a party to that agreement. Nor is one of its subsidiary companies. I don't know how many...they are not a party to the agreement. It appears as if one of their predecessors in interest may have been a party to that agreement. But, because it is was not a part of record; at the Recorder of Deeds office; that may come into play as to what it means when Dogfish Head acquired its property. Again; this could be a legal issue that Mr. Dunkle and I are going to have to talk about and think about a little bit. Because there are legal issues that come into play when you talk about purchasing a piece of property; what was the purchaser aware of; what was recorded; what wasn't; that's another set of legal issues. It doesn't directly concern the Planning and Zoning Commission; but certainly Mrs. Weeks as you put it a few minutes ago; it could be relevant. So; we are checking into it. I just don't want everybody to place an inappropriate level of importance on it at this point;

because I don't know when that level of importance will be. We are going to look into it.

V. Weeks – Thank you.

T. Kanakos – Do you have anymore?

V. Weeks – Bob, do you want to continue? Sorry. I think we are at 6 before we jumped to the parking.

B. Kerr – Yes and I think that's essentially been covered. The only thing would be to again point out; that there is a connection to Village Center Blvd. where it crosses Round Pole Branch. My concern was; that it would become a thoroughfare and people would use it rather than staying on the town streets. Item #7 is just kind of an explanation of what's there. Phase 5 is a proposed loading dock; and pavement intended to provide additional bays. 6 is a warehouse addition and phase 7 is part of the loop drive. Those two phases may have to be adjusted a little bit or be done at the same time in order to make sure that things get constructed. Obviously the road has to be in before the building. But; I don't think there should be any requirements that things be built in this order. In other words; if they need a brew house first; then that becomes the next phase. This is not trying to say the order in which things will be constructed. Other than the road may have to be constructed when other things are constructed.

V. Weeks – My understanding is that the odors that come from the brewery; come from the brew house. Is that correct?

Mr. Benz? – That's correct.

V. Weeks – Will you be looking into some sort scrubbers or something to help. Because; although as you say; the odor won't be increased; it will be increased somehow. Either the odor will be there for a longer time; or it will be more intense. If you are making more beer; something about the odor is going to be increased. Will you be looking into some sort of scrubber or something to help elevate some of that? Mr. Benz? – If you make one pot of Chili on your stove or four pots of chili; it smells like Chili in your house.

V. Weeks – As long as your making them all at the same time.

Mr. Benz? – Correct; and that's what we're doing. We are already a twenty-four; six operation. The only way we could possibly expand our odor is when we go to twenty-four; seven on brewing operations which will be at some point in the future. At the moment we bring on an additional brew house; that gives us additional capacity. We can run them concurrently. We don't want to for labor purposes; to run twenty-four seven; we'll cut back to possibly; twenty-four three; twenty-four four; twenty-four five; because we can run two concurrently; at the same time. The only way we could pick up additional odor which isn't an addition in the concentration of that odor; it's just that we would be generating beer on Sundays in addition to Monday through Saturdays; which inconsequently; we do from time to time now anyway. We're not restricted and if we need to take an unscheduled maintenance down time; at a particular time; we'll use Saturdays and Sundays as back up times; and we do that quite frequently.

V. Weeks – But when the new brew house goes on; will you please; it would be advantage if you looked into something to help alleviate some of the odor out there. That is all I'm saying.

Mr. Benz? – Ok.

B. Kerr – 9; I believe we've already discussed. It's about the connection of the parking lot. Items 10 and 11 just Phase 8 shows grain storage. Phase 9 shows a building addition for a warehouse. Item 12; is about the process; wastewater expansion area. Dogfish presently stores the process wastewater generated by the brewery; and then this wastewater is hauled from the facility and usually land applied through a permit issued by DNREC. In the future; if the sewer system has the capacity; and Tidewater has the desire; and Dogfish has the desire; they may want to interconnect so they don't have to do that. But they will probably have to have a pre-treatment system on site. This is the location that they're showing; so that would be a small wastewater pre-treatment facility to be constructed there. They would have to come back for that; they would have to go to DNREC; it would be a lot of approval process in that; but whether to consider shifting it a little bit closer to Round Pole Branch just to keep as far away from Chestnut Crossing. Or should you shift it closer to Round Pole Branch you're getting closer to Phase 3 of Cannery Village. There's trade off's there but it's just something you may wish to discuss and review in further detail; and give them your thoughts on that.

V. Weeks – Does anybody have anything to say about that?

T. Kanakos – I have one question. How is the odor vented; it just comes out the top of the building?

Mr. Benz? – Correct.

T. Kanakos – Ok. Well, if not scrubbers; I know when I worked at Con Ed in the city; I mean they put up 375 foot smoke stacks; to get the smoke up into the atmosphere to keep it away. Can you; in any way; put a small smoke stack or something?

Mr. Benz? – The only thing that is being vented; is water vapor. Steam with the smell of yeast as you make bread. That light smell of bread in the air. That is the only odor that comes from our brewing process.

T. Kanakos – Well I was there a few times; and I thought it was just a wonderful pleasant odor of a croissant. It's actually vinegar. It's a little more accurate and a little stinkier than just yeast and bread.

V. Weeks – I think it smells like; artichokes.

T. Kanakos – Well, all I'm saying is that there's a way of discharging it a little higher. Maybe ugly with the height; I don't know.

Mr. Benz? – That would bring another challenge given that our zoning only allows permits up to 75 feet.

V. Weeks – Plus its water; its not air; its water vapor. Water vapor is just going to come down anyway.

T. Kanakos – Its steam; if you see steam coming out of it dissipates; it goes high and it dissipates.

V. Weeks – Some people to think about; gentlemen; because we are concerned about the odor. Next, Bob?

B. Kerr – Item 13 is the parking that has been discussed. Item 14 is about the parking lot with the agreement; which has been discussed. Or; will be discussed in further detail. Item 15 and Item 16 are just some closing things where; we've already talked about; that it doesn't have to be built in the phased order. Market driven and then; I

can't read my own writing; and that they will come back with individual preliminary plans for each addition that they are going to do.

V. Weeks – Does anybody on the commission have anything further to say?

L. Frey – No.

V. Weeks – Ted?

T. Kanakos – No.

V. Weeks – Gentlemen; I thank you for presenting this so we have an idea of where you are going and what you're looking at. Every time you go to do one of these things; as they have told you; you need to come back for both preliminary and final. And we will see you then.

Mr. Benz? – Thank you.

V. Weeks – Can we have a motion to adjourn please?

T. Kanakos – I make a motion to adjourn.

L. Frey – Second.

V. Weeks – All in favor say; I. (Response - I) Adjourned

10. Adjournment 9:06:30 PM

